

Section 401

Keeping Track of Evidence

| | |
|---|-----|
| Section 401.1 Overview..... | 107 |
| Section 401.2 Chain of Custody | 107 |
| Section 401.3 Clothing and Personal Property..... | 109 |

Section 401.1 Overview

Currently, with the exception of the Certificate of Death, there is little or no standardization in the area of records and reports among Indiana coroners. Coroners are free to design and use any forms they feel will assist them in performing their duties.

Some coroners rely on pre-formatted forms, of which some are more comprehensive than others. These forms require the death investigator to fill in blanks or to check boxes. This type of form has certain advantages in that they can be completed quickly and easily. Also, the more comprehensive forms reduce the possibility of error due to omitting a key aspect of the investigation. A possible disadvantage is what to do in a case that does not follow the normal pattern? The coroner's investigator may not have an appropriate space on the form.

Other coroners rely on open-faced forms. These forms require the coroner's investigator to write down his/her observations in a sentence or paragraph format. These forms too, have advantages. They allow greater expression of the investigator's observations and greater flexibility in reporting his/her findings. A possible disadvantage is an inexperienced investigator may overlook some key element of the death case.

The following sections pertain to specific records and reports that a coroner must complete and maintain. In order to maintain continuity, each section will address forms that were developed by the Indiana State Coroners Training Board (ISCTB) where applicable.

Section 401.2 Chain of Custody

Tracking evidence from the time collected to the time it is released is referred to as the chain-of-custody. Coroners have two responsibilities in this area. First, they must track the collection and disposition of physical evidence pertaining to the event, whether the death is due to a homicide or accident. Second, coroners must also maintain custody of the decedent's body and personal effects.

The ISCTB *Chain of Custody and Property Release Form* has been developed for tracking physical evidence collected at a homicide or accidental death scene. The ISCTB *Chain of Custody and Property Release Form* is divided into three parts: identification, list of property and chain-of-custody. The identification portion (see sample below) contains the date, time and location of the event. A case number should be entered in the appropriate block. If known, the decedent's name and address should be entered in the appropriate blocks. In noting the location, the coroner's investigator should be *exact* in describing the location. If there is insufficient room in the location block, then the information should be written on the back of the form or on a continuation sheet.

INDIANA STATE CORONERS TRAINING BOARD

Chain of Custody and Property Release Form

| | | | |
|------|------|-------------|----------|
| Time | Date | Case Number | Location |
|------|------|-------------|----------|

| | | | |
|------------------------------|--|--------------|--|
| | | | |
| Name of Deceased Person | | Home Address | |
| Taken From: (EXACT LOCATION) | | | |

The list of property portion (see sample below) must be completed carefully. Each item of property or evidence seized must be recorded. When describing the property be sure to include a description of the item or material and to note any markings placed on the property. For example, when a spent shell casing is found at the scene of a homicide, suicide, or unknown shooting; the collector/finder's initials are normally etched inside the shell casing. This information should be noted in item description section.

| LIST OF PROPERTY | |
|------------------|---|
| Item Number | DESCRIPTION (include markings placed on evidence) |
| | |

The chain-of-custody portion (see sample below) *must be* maintained at all times. Accountability for the item or material must be maintained from the time it is seized until it is released by proper authority. Proper authority may range from the courts in a criminal or civil case to the coroner in a routine case involving a natural or accidental death. The ISCTB form was developed for use by coroners. Law enforcement agencies will use their own chain-of-custody forms. Every time the item(s) seized are moved, or handled by different individuals, the name(s) and the time and date must be noted. This accountability begins with the person taking or finding the item being seized.

| CHAIN OF CUSTODY | | |
|-------------------|--------------|-----------|
| Taken (FOUND) By: | Released To: | Time-Date |
| Released By: | Released To: | Time-Date |
| Released By: | Released To: | Time-Date |
| Released By: | Released To: | Time-Date |
| Released By: | Released To: | Time-Date |

| | | |
|--------------|--------------|-----------|
| Released By: | Released To: | Time-Date |
| Released By: | Released To: | Time-Date |

Each person receiving and releasing property will enter his/her signature plus the name and address of his/her agency. Additional pages may be attached to continue the List of Property or Chain of Custody.

When the coroner's investigation or criminal case has been concluded, all personal property should be returned to the decedent's family or relatives. It is imperative that you have the person receiving the personal property sign the chain-of-custody form in the "Released To:" block. The date and time block should also be completed by the person(s) receiving the property. This can protect you from being criticized for mishandling seized property.

Caution: The coroner should receive a copy of all chain-of-custody forms completed by law enforcement personnel, especially those forms pertaining to personal property belonging to the decedent. These copies should be retained with the coroner's case file on the decedent(s).

Section 401.3

Clothing and Personal Property

The ISCTB also developed a *Clothing and Personal Property Form* to use when collecting personal property and/or clothing from a decedent's body.

The same rules that apply to the ISCTB *Chain of Custody and Property Release Form* apply to the ISCTB *Clothing and Personal Property Form*. It is essential to note the decedent's name, collection date and case number on the form. Also, every effort should be made to make a thorough inventory of all clothing and property found on the victim's body or clothing. Any items or material required by a law enforcement agency should be listed on an ISCTB *Chain of Custody and Property Release Form* or one of the agency's chain-of-custody forms. The property listed on the ISCTB *Clothing and Personal Property Form* may be released per the needs and authority of the coroner.

The coroner is also accountable for the body of a decedent. Coroners who have not developed their own form for tracking the decedent's body can use an ISCTB *Chain of Custody and Property Release Form*. Accounting for the movement and handling of the decedent's body is important for several reasons. Very important evidentiary items and materials are often collected from the body and clothing of a decedent in a criminal case. It could also prevent the embarrassment of losing or misidentifying a body. Accountability for the body should be maintained from the time it is removed from the scene to the time it is released to family members, relatives or other lawful disposition. It is important to note victim's identity, if known, coroner's case number, date and location where body was located and the name of the individual or agency the body was released to, on the chain-of-custody form.

Caution: Coroners will turn over decedent's clothing to law enforcement officials in criminal cases.

Note: Remember *each piece of clothing* should be placed in its own *separate container*. The "Rule of Thumb" is one piece of clothing to one container. This avoids cross contamination of potential evidentiary items. Also clothing should be placed in paper bags or wrapped in butcher paper.

Caution: Never place clothing in plastic bags.

Section 402

Death Certificate

| | |
|---|-----|
| Section 402.1 Certificate of Death..... | 110 |
| Section 402.2 Completing the Cause of Death Portion of the Death Certificate..... | 110 |
| Section 402.3 Other Vital Data..... | 111 |
| Section 402.4 “Coroner Use Only” Portion of the Death Certificate..... | 111 |
| Section 402.5 Coroner's Role in Death Registration..... | 112 |

Section 402.1

Certificate of Death

The most critical and vital task of a coroner is to correctly complete the Indiana State Department of Health's *Certificate of Death* form.

The certificate of death is completed after all the evidence has been collected and analyzed, and the coroner has finalized his or her investigation. Then the coroner must condense all of the data collected to bare necessities required by the state: the cause and manner of death, the circumstances of how and where injuries were incurred, and when known, a time frame of the death.

Caution: The determination and certification of death in coroner's cases is the *sole* function of the coroner. It is the coroner's duty and right to render these determinations *independently* of all other personnel and agencies involved in the case. This includes law enforcement personnel, judges, pathologists, and prosecuting attorneys. However, this does not mean that you are prevented from soliciting information and opinions from these individuals.

The purposes and uses of the death certificate are many and varied in nature. It is often used in resolving criminal and civil court cases. It is a health document in deaths involving infectious diseases, occupational hazards, use and abuse of alcohol or drugs and natural diseases. Insurance companies use the death certificate to verify the decedent's death and to determine death benefits accruing from the policy. Many state and federal agencies use the death certificate to determine benefits due the decedent's family. The Social Security Administration and the Department of Defense use the death certificate to begin or stop benefits to the decedent's family. For example, in many cases a retired military member's retirement check is stopped upon notification of his/her death.

The preceding paragraph listed only a few ways the death certificate can be used. However, they are sufficient to demonstrate the care that must be taken in completing this document. Any error in the completion of the death certificate can result in legal, social and moral repercussions that can affect many lives, not the least of which is the coroner's. Therefore, it is imperative that the coroner completes the death certificate with the greatest of care and deliberation.

Section 402.2

Completing the Cause of Death Portion of the Death Certificate

The cause of death (Death Certificate items 26 through 30) can occur as a result of disease, abnormality, injury, or by injecting or ingesting a toxic substance. A natural death often occurs from the combined effect of two or more diseases. The diseases arise independently of each other, or they may be casually related to each other.

That is one disease may lead to another, which in turn, leads to another condition. The immediate cause of death should be listed first (Death Certificate item 26, Part I, a) and all other contributing or underlying causes should be listed in descending order with the underlying cause being the lowest. See the following examples:

§ 402.2.1

Example One

The cause of death for an otherwise healthy individual who commits suicide by shooting himself in the head might be listed as: Immediate cause; gunshot wound to the head (Death Certificate item 26, Part I, a). The sections for contributing or underlying causes of death would be left blank (Death Certificate items 26, Part I, b, c and d).

§ 402.2.2

Example Two

The cause of death for an otherwise healthy drowning victim might be listed as: Immediate Cause: Asphyxia; Contributing Cause: Drowning (Death Certificate items 26, Part I, a and b). The underlying causes of death would be left blank (Death Certificate items 26, Part I, c and d).

§ 402.2.3

Example Three

The cause of death for an otherwise healthy victim of an automobile accident might be listed as: Immediate Cause: Cerebral contusion; Contributing Cause: Fractured skull; Underlying Cause: Blunt force injury of the head (Death Certificate items 26, Part I, a, b and c).

Note: Death Certificate Item 26, Part I, a through d, has space for entering the Approximate Interval Between Onset and Death. These times are generally, at best, estimates. These times may be obscured or unknown in many cases, such as those involving advanced decomposition of the body or when dealing with skeletal remains.

**Section 402.3
Other Vital Data**

Part II of the cause of death portion of the death certificate contains other vital data surrounding decedent's death. There is space for entering other significant conditions (Death Certificate item 26, Part II); whether the victim was pregnant or 90 days postpartum (Death Certificate item 27); whether an autopsy was performed (Death Certificate item 28a); and, whether the autopsy findings were available before determining the cause of death (Death Certificate item 28b). The certification section of the cause of death portion (Death Certificate items 29a through 30) is to be completed by the coroner.

Caution: Statements regarding cause of death are rendered as opinions.

As previously noted, establishing cause of death is a complex process. In many medicolegal cases establishing the cause of death can become even more complex. Thus, the coroner must give careful consideration to all aspects surrounding a death. In some cases, a toxicological analysis may be required before the cause of death can be determined. In other cases, the cause of death may not be clear, even though an autopsy and toxicological examination have been completed. However, it is important that the cause of death certification be as thorough and accurate as circumstances permit.

**Section 402.4
“Coroner Use Only” Portion of the Death Certificate**

The "coroner use only" portion of the death certificate (Death Certificate items 33 through 34h) is the function of the coroner. It is acceptable, and may be preferred, to rely on the pathologist's opinion in completing this portion. In completing the manner of death portion (Death Certificate item 33) the coroner has six choices. In most cases, it will be possible to determine if the manner of death was natural, homicide, accident or suicide. In some cases, a pending investigation may be appropriate. In rare cases, it will be necessary to check the "could not be determined" block. Every possible means of determining the manner of death should be ruled out before checking the "could not be determined" block. An undetermined ruling can have serious consequences for any surviving family members or relatives; *e.g.*, collecting insurance benefits. The remainder of the Use of Coroner portion (Death Certificate items 34a through 34h) can be completed by referring to your investigative notes and reports.

Caution: Remember that not everything is as it appears to be. For example, the appropriate manner of death designation for an autoerotic death is "accident." However, a cursory examination of the death scene may result in determining the death to be a "suicide." (See autoerotic death, Section 304.5 through 304.5.3).

Section 402.5

Coroner's Role in Death Registration

Generally, the death certificate is filed by the funeral director handling the decedent's burial/cremation arrangements. The coroner has the responsibility of completing several portions of the death certificate prior to releasing it to a funeral director.

With regard to the identification portion, the coroner may complete all of the personal data on the death certificate before turning it over to the appropriate funeral director. However, generally it is sufficient to indicate the victim's name, address, race, sex and the date and time of death (Death Certificate items 1 through 3b). The funeral director can complete all remaining personal items and embalming information (Death Certificate items 4 through 25).

The coroner's chief responsibility is to complete the cause of death portion of the death certificate (Death Certificate items 26 through 30 of death certificate). This part should be completed by the coroner in all coroners' cases.

The coroner is solely responsible for completing the coroner use only portion of the death certificate (Death Certificate items 33 through 34h). When the basic personal data, cause of death and coroner use only portions of the death certificate have been completed the coroner can give it to the funeral director in charge of interment.

The funeral director will then complete the remainder of the form and file it with the local county health department. Generally, the death certificate should be filed with the local health department within 72 hours of the decedent's death. The following steps should be taken if the cause of death cannot be immediately determined:

- A death certificate containing "deferred pending further investigation" should be filed within 72 hours. An official from the county health department can then issue a permit authorizing disposal or removal of the body.
- Provide the county health department written notice of any other reasons that might preclude the completion of the cause of death portion of the death certificate.

- As soon as the cause of death can be determined, the coroner should file a supplemental report with the county health department. Ideally this should occur within 60 days but should not exceed 90 days.

In summary, a coroner's duties in death registration are:

1. Complete items 1 through 3b of the personal data portion of death certificate.
2. Complete the cause of death portion (Death Certificate items 26 through 30).
3. Complete the coroner use only portion (Death Certificate items 33 through 34h) of the death certificate.
4. Promptly deliver the signed death certificate to the funeral director so it can be filed with county health department within the prescribed time limits.
5. Cooperate with local and state registrars by promptly answering any queries regarding any entries made on the death certificate.

Section 403

Laboratory Requests and Reports

| | |
|---|-----|
| Section 403.1 General Laboratory Requests | 113 |
| Section 403.2 Autopsy Requests..... | 113 |

Section 403.1 General Laboratory Requests

A coroner must take several things into consideration when submitting a laboratory request. It is essential to include identifying data pertaining to the victim and the appropriate case number. You must also carefully package and label all evidentiary items being submitted for analysis. You need to indicate the specific analyses that you desire. (Remember, laboratory findings may result in laboratory personnel eliminating some of the analyses you requested and replacing them with examinations that you did not request.) You should clearly state the person you want laboratory personnel to send the report of analysis to. You must insure that the chain-of-custody form is properly completed prior to sending the evidence to the laboratory and upon its return to you.

Laboratory request forms are subject to change from time to time. Thus, it is suggested that you contact the appropriate laboratory for current forms and for directions on filling them out. It is suggested you contact laboratory personnel prior to submitting evidence to determine proper packaging and handling procedures for that laboratory. This will not be necessary once you have established a working relationship with the various labs.

Section 403.2 Autopsy Requests

Autopsy requests should be handled in much the same manner as the submission of evidence to the laboratory. You are trying to reach a satisfactory and proper determination of the cause and manner of death. Local resources will normally be satisfactory in performing post-mortem examinations of decedents. However, it may be necessary to request assistance from other sources, if your local pathologist is unavailable. In such cases, it is suggested you contact the individual or agency you want to do the autopsy and determine what forms or paperwork is required.

Caution: When moving a body in, or out of, your local county, you should take every precaution to insure a proper chain-of-custody for the decedent's body and his/her clothing and personal effects.

Note: You should contact the Indiana State Coroners Training Board if you have any concerns about moving a body or requesting an autopsy. (See Section 201.8)

Section 404

Investigator's Reports and Case Files

| | |
|---|-----|
| Section 404.1 Case File Numbering | 114 |
| Section 404.2 Investigative Protocols | 114 |
| Section 404.3 Case Files | 114 |

Section 404.1 Case File Numbering

There is no standardization among Indiana coroners with regard to investigative reports or case file systems. It is impossible to provide samples of investigative reports and case numbering systems due to this lack of standardization. Thus, it is incumbent on every coroner to establish a case file numbering system as there are times when a coroner may have to produce a large number of old cases at one time. For example, a recent case in one Indiana county resulted in the review of over 100 death cases over a period of two or three years. At a minimum your case file system should include the following:

- A. A case number for each death investigated
- B. The number should contain the year investigated and a corresponding sequential number.

Example of a Case File Numbering System:

First case of the year: CA 84-01-01
 Second case of the year: CA 84-02-01
 Fiftieth case of the year: CA 84-50-01

The case file number may be reflected as follows: "CA 84" may represent your county or case. The second two digits "01" or "50" represent the sequential number of cases for the year in question. The last two digits "01" represents the year in which the death investigation occurred.

Caution: You should strive for continuity with whatever case file numbering system you are using or develop.

Note: There are statutory and ethical requirements *for all coroners* to transfer *all existing case files* to each newly elected coroner.

Section 404.2 Investigative Protocols

A number of coroners have established protocols for various types of death investigations to include: homicides, suicides, carbon monoxide deaths and sudden infant syndrome deaths. The protocols include blank forms such as chain-of-custody forms and pre-formatted investigative report forms. There are advantages to establishing death investigation protocols. They can reduce the possibility of mistakes or critical oversights at the death scene.

Section 404.3

Case Files

Regardless of whether you develop investigative protocols it is incumbent upon you to maintain as thorough and organized set of investigative files as possible. The investigative files should include but not be restricted to the following: all reports, investigator's notes, sketches and death scene photographs, reports of autopsy and laboratory analyses of evidence, copies of all forms completed by the coroner to include chain-of-custody forms and laboratory request forms. The major objective is to maintain as complete and proper file as possible.

Section 501

Autopsy Protocol

| | |
|--|-----|
| Section 501.1 Overview..... | 115 |
| Section 501.2 Ordering an Autopsy..... | 115 |
| Section 501.3 Autopsy Protocol..... | 117 |

Section 501.1

Overview

Coroners may find the following definition of forensic pathology useful to their work. Forensic pathology is the branch of medical practice that produces evidence useful in the criminal justice administration, public health and public safety. Under this definition are three key elements: Cause of Death, Manner of Death and Mechanism of Death.

The cause of death related to the disease, injury or abnormality that alone or together in some combination initiates the physical and biological malfunctions that eventually leads to death. The cause of death can be thought of in terms of underlying or immediate cause of death. For example, a driver of an automobile dies in a single vehicle accident. The autopsy discloses that the driver had a blood alcohol level of 0.25 and the driver's heart had been pierced by a metal rod. The underlying cause of death would be penetrating trauma to the chest, the mechanism of death would be heart failure due to the penetrating metal rod, and acute alcohol intoxication would be listed as a contributing factor.

The manner of death pertains to the way the death occurred. Social relationships and personal causation are two elements involved in determining manner of death. Examples are the self-inflicted injuries of a suicide victim and the fatal injuries incurred as a result of an accidental fire in a home. The usual classifications of death are: natural, accident, suicide, homicide or undetermined.

The mechanism of death refers to the process of death, in which failure of one or more vital organs due to injury, disease or natural events. For example, the mechanism of death for many diabetics is kidney failure. Other body organs, such as the liver, are adversely affected by kidney failure and death may follow. The actual cause of death may be due to heart or liver failure, but the diabetes was responsible for initiating the death process.